

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSCIVIL ACTION NO.  
04-10045 MLW

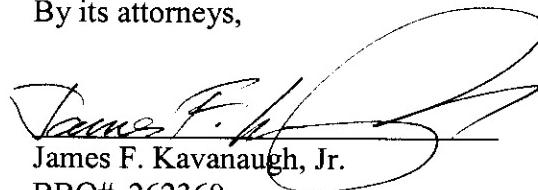
DONALD E. SULLIVAN, )  
Plaintiff, )  
                        )  
v.                     )  
                        )  
RAYTHEON COMPANY, )  
Defendant.           )

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO REMAND**

For the reasons set forth in defendant Raytheon Company's ("Raytheon") motion to dismiss and for summary judgment, which is incorporated herein by reference, plaintiff Donald Sullivan's claims under the Massachusetts workers' compensation statute, Mass. Gen. Laws, ch. 152, §§ 75A and 75B, are preempted by section 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185. As a result, his complaint was removable. This Court addressed a similar issue in the nearly-identical lawsuit filed by this same plaintiff in 1998, Sullivan v. Raytheon Co., 98-12395-MLW. A copy of this Court's Memorandum and Order denying Sullivan's motion to remand is attached as Exhibit A. The First Circuit subsequently affirmed this Court's ruling, holding that Sullivan's workers' compensation claims were completely preempted by the LMRA. Sullivan v. Raytheon Co., 262 F.3d 41, 49-50 (1<sup>st</sup> Cir. 2001); see also Magerer v. John Sexton & Co., 912 F.2d 525, 528 (1<sup>st</sup> Cir. 1990). Because removal is proper based upon state law claims that are completely preempted by the LMRA, id. at 529, the motion to remand should be denied.

WHEREFORE, Raytheon respectfully requests that this Court deny Sullivan's motion to remand.

RAYTHEON COMPANY  
By its attorneys,



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Dated: March 1, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by (mail) on 3-2-04

